

# EXHIBIT G



April 11, 2011

To: Ernest Frantz  
Environmental Sampling

Fr: Barb Harsanye *BH*  
Republic Services/Allied Waste Services  
Short Creek Landfill

Please find attached a copy of the approval from the State of West Virginia for drill cuttings from Chesapeake Energy from Northwest West Virginia. Based upon information the WVDEP believes that this waste is not hazardous under the Resource Conservation and Recovery Act. Drill Cuttings are also exempt under the Federal Regulation 40CFR 261.4(b)(5).

Thank you

**REPUBLIC SERVICES**



west virginia department of environmental protection

Division of Water and Waste Management  
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Earl Ray Tomblin, Governor  
Randy C. Huffman, Cabinet Secretary  
www.wvdep.org

### Minor Permit Modification for Disposal of Petroleum-Contaminated Materials

SWPU ID: 11-01-48

Landfill: Short Creek

Generator: Chesapeake Energy

Request Received: January 26, 2011

Request Dated: January 18, 2011

Waste: Petroleum Contaminated Drill Cuttings

Generated at: Northwest West Virginia

#### Comments and/or Conditions

The following checked (X) comments and/or conditions apply:

1. ☒ The West Virginia Department of Environmental Protection, Office of Solid Waste, has reviewed the information submitted by the Short Creek Landfill. Based upon this information, the WVDEP believes that this waste is not hazardous waste under the Resource Conservation and Recovery Act. Consequently, a minor permit modification is granted for the disposal of this waste at the Short Creek Landfill.
2. ☒ Quantity Approved: 75,000 Tons  
☒ This Quantity Approved is an increase of the amount allowed by the Minor Permit Modification 10-07-35 granted August 18, 2010.
3. ☒ This amount may be received before February 1, 2012.  
☐ The above date represents an extension of the time allowed by the Minor Permit Modification granted
4. ☒ Approved for disposal:  
☐ TPH (....) > 10,000 mg/kg: This waste must be aerated over an unused lined portion of the landfill until test results are obtained showing that TPH (....) is less than 10,000 mg/kg, TOVs are less than 100 ppm, and if DRO is present at more than 100 mg/kg, until total PAH is less than 100 mg/kg, and then disposed of within 30 days of obtaining those test results.  
☒ TPH (GRO + DRO + ORO) < 10,000 mg/kg;  
a. DRO > 100 mg/kg and/or TOVs > 100 ppm: This waste must be aerated over an unused lined portion of the landfill until test results are obtained showing that, as

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applicable, total PAH is less than 100 mg/kg and TOVs are less than 100 ppm, and then disposed of within 30 days of obtaining those test results.

- b. DRO < 100 mg/kg and TOVs < 100 ppm: This waste must be disposed of within 30 days of receiving the waste or this minor permit modification, whichever is later.

5. ☒ Approved for use as daily cover or disposal:

- ☐ TPH (.....) > 5,000 mg/kg: This waste must be aerated over an unused lined portion of the landfill until test results are obtained showing that TPH (.....) is less than 5,000 mg/kg, TOVs are less than 100 ppm, and if DRO is present at more than 100 mg/kg, until total PAH is less than 100 mg/kg, and then used as daily cover or disposed of within 30 days of obtaining those test results.

☒ TPH (GRO + DRO + ORO) < 5,000 mg/kg

- a. DRO > 100 mg/kg and/or TOVs > 100 ppm: This waste must be aerated over an unused lined portion of the landfill until test results are obtained showing that, as applicable, total PAH is less than 100 mg/kg and TOVs are less than 100 ppm, and then disposed of within 30 days of obtaining those test results.
- b. DRO < 100 mg/kg and TOVs < 100 ppm: This waste must be used as daily cover or disposed of within 30 days of receiving the waste or this minor permit modification, whichever is later.

6. ☐ After a minimum of thirty days of aeration, this waste must be tested for \_\_\_\_\_ and the analytical results submitted to this office for review before disposal.

7. ☐ Petroleum contaminated materials that are not used as daily cover shall be included in monthly tonnage calculations.

8. ☒ Petroleum contaminated materials (PCM) that are used as daily cover may be excluded from monthly tonnage calculations, provided that all of the following conditions are met:

- a. Daily deposition of solid waste is confined to as small an area as practical in accordance with the Solid Waste Management Rule, 33 C.S.R. 1-4.6.a.1.A.
- b. Calculations for the amount to be used as daily cover and exempted from the tonnage limits shall be based on an eight foot (8') vertical cell height for solid waste disposed of daily.
- c. Under no circumstances, shall the amount of PCM used as daily cover and exempted from monthly tonnage calculations, exceed the rate of 0.14 tons per one (1) ton of solid waste.
- d. Example: A facility that receives 200 tons per day of solid waste, including PCM that is suitable for use as daily cover, shall not exceed 28 tons per day for tonnage exemption.

Required formula for calculation:

$$0.14 \times \text{tons of solid waste per day} = \text{tons of cover material permitted per day.}$$

9. ☒ The disposal or use as daily cover of this waste must take place during normal working hours, will not be exempt from assessment fees, and must be included in the monthly tonnage report.

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10. ☐ Additional comments and/or conditions:
11. ☒ If you have questions or need additional information, please contact Kenneth Holliday at (304) 926-0499, extension 1615 or [Kenneth.C.Holliday@wv.gov](mailto:Kenneth.C.Holliday@wv.gov).

**Minor Permit Modification Is Granted:**

  
\_\_\_\_\_  
Scott G. Mandirola  
Director

1-31-11

\_\_\_\_\_  
Date